

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MYRON A. MANIER,

Plaintiff,

v.

CITY OF SPOKANE POLICE  
DEPARTMENT, SPOKANE COUNTY  
SHERIFF'S DEPARTMENT,  
DETECTIVE HOLY and DENNIS  
DRESSLER,

Defendants.

NO. CV-04-0290-CI

**ORDER DENYING PLAINTIFF'S  
MOTION TO RELIEF FROM JUDGMENT**

On August 10, 2005, Plaintiff Myron Manier filed a Motion to Relief from Judgment, (Ct. Rec. 13), asking the Court to issue a subpoena allowing Plaintiff to receive evidence needed for court proceedings from his ex-wife. Previously, Judge Shea adopted the Magistrate's Report and Recommendation and Dismissed the Complaint Without Prejudice, (Ct. Rec. 11), finding the Plaintiff's Amended Complaint asserting a 42 U.S.C. § 1983 cause of action was barred by *Heck v. Humphrey*, 512 U.S. 477, 487 (1994), as Plaintiff had failed to demonstrate that his conviction and sentence were invalidated. The Court does not find that evidence in the possession of Plaintiff's ex-wife will assist the Plaintiff in establishing that his conviction was invalidated. Accordingly, **IT IS**

1 **HEREBY ORDERED:** Plaintiff's Motion to Relief from Judgment, (Ct. Rec.  
2 **13)**, is **GRANTED**. This case is to remain **CLOSED**.

3 **IT IS SO ORDERED.** The District Court Executive is directed to

4 (A) Enter this Order; and

5 (B) Provide a copy to Plaintiff.

6 **DATED** this 19th day of August, 2005.

7  
8 S/ Edward F. Shea

EDWARD F. SHEA

9 United States District Judge

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